

UNITED STATES DISTRICT COURT

Southern

District of

New York

GINA MATTIVI AND RYAN STANGO

V.

CITY OF NEW YORK, DET.  
DONALD HOOK and SGT. PETER MARSALISI

SUMMONS IN A CIVIL ACTION

08 CV 02800

CASE NUMBER: 08 Civ. \_\_\_\_\_

TO: (Name and address of Defendant)

Peter Marsalisi  
161 Pine Hills Rd.  
Highland Mills, NY 10930

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Spears & Imes LLP  
51 Madison Ave.  
New York, NY 10010

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**MAR 17 2008**

CLERK

DATE

(By) DEPUTY CLERK

GINA MATTIVI AND RYAN STANGO

Plaintiff(s)

against

AFFIDAVIT OF  
SERVICE

THE CITY OF NEW YORK, DET. DONALD HOOK AND SGT. PETER  
MARSALISI

Defendant(s)

STATE OF NEW YORK, COUNTY OF DUTCHESS ss: RANDOLPH R. FREYTAG The undersigned, being duly sworn, deposes and says;  
Deponent is not a party herein, is over 18 years of age and resides in the STATE OF NEW YORK  
That on MAR. 24, 2008 at 7:25 A.M., at 161 PINE HILL RD. HIGHLAND MILLS, NY 10930  
Deponent served the within SUMMONS IN A CIVIL ACTION, COMPLAINT, DEMAND FOR JURY TRIAL AND JUDGES RULES.  
☒ papers served had endorsed thereon index # and date of filing  
On PETER MARSALISI

INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally, deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☒

by delivering thereat a true copy of each to SULA MARSALISI (DEF. WIFE) a person of suitable age and discretion. Said premises is defendant's ☐ actual place of business ☒ dwelling place ☐ usual place of abode ☐ last known address— within the state.

AFFIXING TO  
DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's ☐ actual place of business ☐ dwelling place ☐ last known address—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING  
Use with  
3 or 4

5. ☒

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in first class envelope properly addressed to ☒ defendant's last known residence ☐ defendant's actual place of business at 161 PINE HILL RD. HIGHLAND MILLS, NY 10930 and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within the New York State on MARCH 25, 2008  
☒ The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.  
☐

DESCRIPTION  
USE WITH  
1, 2 or 3

6. ☒

<input type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input checked="" type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

WITNESS FEES

7. ☐

At the time of said service, deponent paid (tendered) in advance \$ the authorized traveling expenses and one day's witness fee.

MILITARY SERVICE

8. ☒

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. The source of my information and grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York or of the United States as that term is defined in either the State or in the Federal Statutes.

Sworn to before me on

MARCH 25, 2008

Tina Marie Tomlins  
Notary State of New York  
Reg. No. 01TO6155313  
Qualified in County of Dutchess  
Commission Exp. Nov. 6, 2010

Tina Marie Tomlins  
Notary State of New York  
Reg. No. 01TO6155313  
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Commission Exp. Nov. 6, 2010

X   
RANDOLPH R. FREYTAG